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LUMEN INTELLECTUAL PROPERTY SERVICES, INC.
2345 YALE STREET, 2ND FLOOR
PALO ALTO CA 94306

APR - 7 2005

In re Application of:
Pickard et al.
Serial No.: 10/007,631
Filed: November 9, 2001
Attorney Docket No.: S01-079

DECISION ON PETITION
TO WITHDRAW HOLDING
OF ABANDONMENT

This is a decision on the petition filed on June 17, 2004, to withdraw the holding of abandonment of the above identified application under 37 C.F.R. § 1.181.

The petition is **GRANTED**.

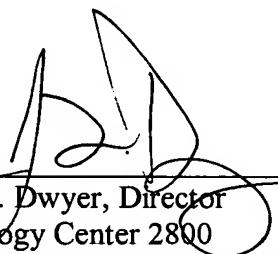
The application was held abandoned for failure to timely file a response to the Office action mailed on April 1, 2003. A Notice of Abandonment was mailed on March 15, 2004.

Petitioner asserts that on June 27, 2003, a response including an amendment and transmittal form was filed. To support this assertion, petitioner has submitted a copy of the response and a copy of a return postcard receipt, which acknowledges receipt in the PTO of the amendment and transmittal form on July 1, 2003.

M.P.E.P. § 503 states, "A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the response was timely received in the PTO.

For the above stated reason, the petition is granted. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status and is being forwarded to the examiner of record for consideration of the response and prompt appropriate action.

Inquiries regarding this decision should be directed to Clayton E. LaBalle, Special Program Examiner, at (571) 272-1594.



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